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| APPLICATION NO.   | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|----------------------|---------------------|------------------|
| 10/015,436  | 12/13/2001  | Mark C. Hlavach      | 64392-0080          | 5696             |
| 10291   | 7590        | 03/24/2004           | EXAMINER            |                  |
| RADER, FISHMAN & GRAUER PLLC<br>39533 WOODWARD AVENUE<br>SUITE 140<br>BLOOMFIELD HILLS, MI 48304-0610 |             |                      | TRAN, KHOA H        |                  |
|   |             | ART UNIT             | PAPER NUMBER        |                  |
|   |             | 3634                 |                     |                  |

DATE MAILED: 03/24/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

|                              |                 |                |
|------------------------------|-----------------|----------------|
| <b>Office Action Summary</b> | Application N . | Applicant(s)   |
|                              | 10/015,436      | HLAVACH ET AL. |
|                              | Examiner        | Art Unit       |
|                              | Khoa Tran       | 3634           |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on \_\_\_\_\_.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1,3-15,19 and 21 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1, 3-15, 19 and 21 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                    | Paper No(s)/Mail Date. _____.   |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____. | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|   | 6) <input type="checkbox"/> Other: _____.                                   |

***Election/Restrictions***

This application contains claims 16, 17, 20, and 22-28 drawn to an invention nonelected with traverse in Paper No. 05. A complete reply to the final rejection must include cancellation of nonelected claims or other appropriate action (37 CFR 1.144) See MPEP § 821.01.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 3-15, 19 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hellenkamp et al. in view of Presto. Hellenkamp et al. disclose a vehicle double-walled panel comprising an outer panel (26), a plastic inner panel (28), see column 6, lines 3-5; the outer panel having one or more outer attachment points (66) and the attachment point receives a fastener 60, see Figures 15, 16, and 18); the inner panel has one or more inner attachment points that correspond to the outer attachment points, see Figures 15, 16, and 18; at least one supporting structures (58) are integrally formed with the plastic inner panel (28), see column 6, line 17; the supporting structures are attached to the outer panel such that to form a plurality of compartments between the inner and outer panels; an L-shaped hardware bracket connected to the plastic inner panel to support a hardware thereof, see Figure 11; and

at least one connector (60, 68, 130) for connecting the inner attachment points with the outer attachment points. Presto teaches an outer panel of a vehicle door is made out of molded or stamped lightweight plastic piece of reinforced fiberglass or other suitable plastic material, see Column 2, lines 10-12. Presto further teaches the plastic inner panel supports hardware such as locks, latches (71), and hinge members, see column 2, lines 4-8, and column 3, lines 13-4, and 22-25. It would have been obvious to one of ordinary skill in the art at the time of the invention was made to make both of the panels of Hellenkamp et al. to be a reinforce plastic and to provide hardware of locks and latches to be supported by the inner panel as taught by Presto in order to have an operational door that is lightweight and supports hardware therein. Further, it is well-within the level of skill in the art to utilize the known materials of plastic per se to produce the door panels of Hellenkamp et al. therefrom accordingly to its suitability of intended use without structurally alter the door function thus it does not produce any new matter or unexpected results.

#### ***Response to Arguments***

Applicants' arguments filed on January 02, 2004 have been fully considered but they are not deemed to be persuasive.

Applicants' argue the Section 103 rejections of Hellenkamp et al. (5,822,927) in view of Presto (4,328,642) is improper because a prima facie case of obviousness has not been established because Presto fails to teach each limitation of the claims and Presto's door is not an all plastic door and therefore the teaching of Presto is teaching away from developing an all plastic door. This argument is not persuasive because

there is no requirement for a secondary reference to meet every limitation of the claim before it can be utilized and a combination of references is proper for any reason taught by the prior art. Further, in a combination rejection it is not what first one reference and then the other teaches. Rather, it is what the teaching of the combined references that is to be considered. Further still, it should be noted that there is no requirement that the door panel as claimed be an all plastic door. It appears that applicants are relying upon the specification to impart to the claims limitation that otherwise not recited therein. This reliance is ineffective. Further, it should be noted that in combining references there is no requirement that the secondary reference be bodily incorporated into the structure of the primary reference in order for the combination to be considered proper. Note that Hellenkamp et al. do not teach the outer panel to be a plastic panel. However, Presto teaches the vehicle door having both the inner and outer panels made of suitable plastic material for the purpose having a lightweight door, and it is this teaching that has been applied to Hellenkamp et al.

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Khoa Tran whose telephone number is (703) 306-3437. The examiner can normally be reached on Monday through Thursday from 9:30 A.M. to 7:00 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel P. Stodola, can be reached on (703) 308-2686. The fax phone number for this Group before a final Office action is (703) 872-9306 and after a final Office action is (703) 872-9327.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-2168.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

March 17, 2004

Khoa Tran



DANIEL P. STODOLA  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 3600